

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 July 2005

Case No.: 2005-ERA-00002

In the Matter of

WILLIAM E. LEMANSKI
Claimant

v.

**ENTERGY NUCLEAR NORTHEAST,
ENTERGY NUCLEAR OPERATIONS, INC.**
Employer

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This proceeding arises from a complaint filed by William E. Lemanski (Complainant) against Entergy Nuclear Northeast/Entergy Nuclear Operations, Inc., alleging violation of § 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 (the ERA).

The parties have submitted a settlement agreement resolving the ERA action that became fully executed on June 17, 2005. Although the parties' settlement agreement contains provisions that relate to actions by Complainant under other statutes, as well as other types of claims, I have no authority to approve such provisions and this Decision and Order makes no determination regarding the propriety of these provisions. Finally, the settlement agreement provides for its confidentiality under 29 C.F.R. § 18.56 and 29 C.F.R. § 70.26.

Having reviewed the settlement agreement with regard to the ERA complaint, I make the following findings:

1. The settlement agreement appears to be fair and reasonable on its face and to effectuate the purposes and policies of the ERA.
2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.
3. The parties are deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of their settlement agreement.

Based on the foregoing, and in accordance with the parties' agreement, it is ORDERED that:

1. The settlement agreement is APPROVED.
2. The ERA complaint in this matter is DISMISSED with prejudice.

A

Robert D. Kaplan
Administrative Law Judge

Cherry Hill, New Jersey

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.